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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

HOWARD RONALD TUBIN, individually,

Plaintiff,

v.

DEPUY SYNTHES SALES, INC., d/b/a  
DEPUY SYNTHES JOINT  
RECONSTRUCTION; DEPUY SYNTHES  
INC.; JOHNSON & JOHNSON; DEPUY  
ORTHOPAEDICS, INC.; STRYKER  
CORPORATION; HOWMEDICA  
OSTEONICS CORPORATION d/b/a  
STRYKER ORTHOPAEDICS; AAP  
IMPLANTS, INC.; DOES 1 through 15,  
inclusive; and ROE BUSINESS ENTITIES 1  
through 15, inclusive,

Defendants.

CASE NO.: 2:20-cv-02347-APG-DJA

**STIPULATED MOTION TO EXTEND  
TIME TO RESPOND TO COMPLAINT**

*(Fifth Request)*

Plaintiff HOWARD TUBIN, by and through his attorneys of record, Lindsay K. Cullen, Esq., and Brett A. Carter, Esq., of BERTOLDO, BAKER, CARTER AND SMITH, and Defendants, DEPUY SYNTHES SALES, INC. d/b/a DEPUY SYNTHES JOINT RECONSTRUCTION; DEPUY SYNTHES INC.; JOHNSON & JOHNSON; and DEPUY ORTHOPAEDICS, INC. (collectively, "DePuy Defendants"), through their counsel, BARNES & THORNBURG LLP and

1 KAEMPFER CROWELL, and states that they met and conferred to discuss the pending dispute and  
2 hereby stipulates as follows:

3 **WHEREAS**, on or around December 31, 2020, Plaintiff commenced this action by filing a  
4 First Amended Complaint as ECF 4 in the United States District Court for the District of Nevada,  
5 *Howard Ronald Tubin v. DePuy Synthes Sales, Inc., et al.*, 2:20-cv-02347-APG-DJA;

6 **WHEREAS**, DePuy Defendants responsive pleadings was due to Plaintiff's Complaint on  
7 or before January 25, 2021;

8 **WHEREAS**, on January 22, 2021, the parties filed their Stipulated Motion to Extend Time  
9 to Respond to Complaint as ECF 14 extending the answer/responsive pleading deadline to February  
10 24, 2021 (*First Request*).

11 **WHEREAS**, on February 22, 2021, the parties filed their Stipulated Motion to Extend Time  
12 to Respond to Complaint as ECF 33 extending the answer/responsive pleading deadline to March  
13 26, 2021 (*Second Request*).

14 **WHEREAS**, on March 26, 2021, the parties filed their Stipulated Motion to Extend Time to  
15 Respond to Complaint as ECF 48 extending the answer/responsive pleading deadline to May 25,  
16 2021 (*Third Request*).

17 **WHEREAS**, on May 25, 2021, the parties filed their Stipulated Motion to Extend Time to  
18 Respond to Complaint as ECF 52 extending the answer/responsive pleading deadline to July 25,  
19 2021 (*Fourth Request*).

20 **WHEREAS**, the Parties, by counsel, have and continue to participate and engage in good  
21 faith efforts to resolve this matter without the need for further litigation, hereby believing that they  
22 can reach a resolution, and for good cause hereby appearing, the Parties agree and stipulate to extend  
23 the time for DePuy Defendants to answer or otherwise respond to Plaintiff's Complaint for forty-  
24 five (45) days.

25 ///

26 ///

**IT IS THEREFORE STIPULATED AND AGREED** by Plaintiff and DePuy Defendants,  
by and through their respective counsel, and the Court is respectfully requested to order that:

DePuy Defendants may have an extension of forty-five (45) days from July 25, 2021 to file  
a response to Plaintiff's Complaint. DePuy Defendants must file their responsive pleading by  
**September 8, 2021.**

Dated this 26<sup>th</sup> day of July 2021.

**BERTOLDO BAKER CARTER & SMITH**

**KAEMPFER CROWELL**

/s/ Paul R. M. Cullen

/s/ Robert McCoy

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Sales, Inc. dba, Depuy Synthes Joint  
Reconstruction; Depuy Synthes Inc.; Johnson  
& Johnson, and DePuy Orthopaedics, Inc.*

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*Attorneys for Plaintiff*

*Howard Tubin*

**IT IS SO ORDERED.**

DATED: July 28, 2021

  
\_\_\_\_\_  
DANIEL J. ALBRECHTS  
UNITED STATES MAGISTRATE JUDGE

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